

# Union Calendar No. 490

112TH CONGRESS  
2D SESSION

# H. R. 5948

[Report No. 112-678]

To amend title 38, United States Code, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2012

Mr. JOHNSON of Ohio introduced the following bill; which was referred to the Committee on Veterans' Affairs

SEPTEMBER 19, 2012

Additional sponsors: Mr. MILLER of Florida, Mr. ROE of Tennessee, Mr. FLORES, Mr. COHEN, Mr. STIVERS, Mr. CULBERSON, and Mr. MICHAUD

SEPTEMBER 19, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 12, 2012]

# A BILL

To amend title 38, United States Code, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2   *tives of the United States of America in Congress assembled,*

3   **SECTION 1. TABLE OF CONTENTS.**

4       *The table of contents for this Act is as follows:*

- Sec. 1. *Table of Contents.*
- Sec. 2. *Improvement of fiduciaries for veterans.*
- Sec. 3. *Establishment of Place of Remembrance at Arlington National Cemetery.*
- Sec. 4. *Furnishing caskets and urns for deceased veterans with no known next of kin.*
- Sec. 5. *Improved communication between Department of Veterans Affairs and medical examiners and funeral directors.*
- Sec. 6. *Report on compliance of Department of Veterans Affairs with industry standards for caskets and urns.*
- Sec. 7. *Exclusion of persons convicted of committing certain sex offenses from interment or memorialization in national cemeteries, Arlington National Cemetery, and certain State veterans' cemeteries and from receiving certain funeral honors.*
- Sec. 8. *Veterans freedom of conscience protection.*
- Sec. 9. *Authority for the performance of medical disability examinations by contract physicians.*
- Sec. 10. *Provision of access to case-tracking information.*
- Sec. 11. *Notification by the Secretary of Veterans Affairs of individuals whose sensitive personal information is involved in a data breach.*
- Sec. 12. *Limitation on bonuses for Department of Veterans Affairs employees who violate Federal civil laws or regulations.*
- Sec. 13. *Limitation on awards and bonuses to employees of the Department of Veterans Affairs.*
- Sec. 14. *Sense of Congress on Patriot Guard Riders.*
- Sec. 15. *Sense of Congress honoring Korean War veterans.*

5   **SEC. 2. IMPROVEMENT OF FIDUCIARIES FOR VETERANS.**

6       (a) *APPOINTMENT AND SUPERVISION.—*

7           (1) *Section 5502 of title 38, United States Code,*  
 8       *is amended to read as follows:*

9   **“§ 5502. Appointment of fiduciaries**

10          “(a) *APPOINTMENT.—(1) Where it appears to the Sec-*  
 11   *retary that the interest of the beneficiary would be served*  
 12   *thereby, payment of benefits under any law administered*  
 13   *by the Secretary may be made directly to the beneficiary*  
 14   *or to a relative or some other fiduciary for the use and ben-*

1     *efit of the beneficiary, regardless of any legal disability on*  
2     *the part of the beneficiary.*

3         “(2) When in the opinion of the Secretary, a tem-  
4     porary fiduciary is needed in order to protect the benefits  
5     provided to the beneficiary under any law administered by  
6     the Secretary while a determination of incompetency is  
7     being made or appealed or a fiduciary is appealing a deter-  
8     mination of misuse, the Secretary may appoint one or more  
9     temporary fiduciaries for a period not to exceed 120 days.  
10    If a final decision has not been made within 120 days, the  
11   Secretary may not continue the appointment of the fidu-  
12   ciary without obtaining a court order for appointment of  
13   a guardian, conservator, or other fiduciary under the au-  
14   thority provided in section 5502(b) of this title.

15         “(b) APPEALS.—(1) If the Secretary determines a ben-  
16     eficiary to be mentally incompetent for purposes of appoint-  
17     ing a fiduciary under this chapter, the Secretary shall pro-  
18     vide such beneficiary with a written statement detailing the  
19     reasons for such determination.

20         “(2) A beneficiary whom the Secretary has determined  
21     to be mentally incompetent for purposes of appointing a  
22     fiduciary under this chapter may appeal such determina-  
23     tion.

1       “(c) *MODIFICATION.*—(1) A beneficiary for whom the  
2 Secretary appoints a fiduciary under this chapter may, at  
3 any time, request the Secretary to—

4           “(A) remove the fiduciary so appointed; and  
5           “(B) have a new fiduciary appointed.

6       “(2) The Secretary shall comply with a request under  
7 paragraph (1) unless the Secretary determines that the re-  
8 quest is not made in good faith.

9       “(3) The Secretary shall ensure that any removal or  
10 new appointment of a fiduciary under paragraph (1) does  
11 not delay or interrupt the beneficiary’s receipt of benefits  
12 administered by the Secretary.

13       “(d) *INDEPENDENCE.*—A fiduciary appointed by the  
14 Secretary shall operate independently of the Department to  
15 determine the actions that are in the interest of the bene-  
16 ficiary.

17       “(e) *PREDENIGNATION.*—A veteran may predesignate  
18 a fiduciary by—

19           “(1) submitting written notice to the Secretary  
20 of the predesignated fiduciary; or

21           “(2) submitting a form provided by the Sec-  
22 retary for such purpose.

23       “(f) *APPOINTMENT OF NON-PREDENIGNATED FIDU-*  
24 *CIARY.*—If a beneficiary designates an individual to serve  
25 as a fiduciary under subsection (e) and the Secretary ap-

1 points an individual not so designated as the fiduciary for  
2 such beneficiary, the Secretary shall notify such beneficiary  
3 of—

4 “(1) the reason why such designated individual  
5 was not appointed; and

6 “(2) the ability of the beneficiary to modify the  
7 appointed fiduciary under subsection (c).

8 “(g) PRIORITY OF APPOINTMENT.—In appointing a fi-  
9 duciary under this chapter, if a beneficiary does not des-  
10 ignate a fiduciary pursuant to subsection (e), to the extent  
11 possible the Secretary shall appoint a person who is—

12 “(1) a relative of the beneficiary;

13 “(2) appointed as guardian of the beneficiary by  
14 a court of competent jurisdiction; or

15 “(3) authorized to act on behalf of the bene-  
16 ficiary under a durable power of attorney.”.

17 (2) CLERICAL AMENDMENT.—The table of sec-  
18 tions at the beginning of chapter 55 of title 38,  
19 United States Code, is amended by striking the item  
20 relating to section 5502 and inserting the following:

“5502. Appointment of fiduciaries.”.

21 (b) SUPERVISION.—

22 (1) IN GENERAL.—Chapter 55 of title 38, United  
23 States Code, is amended by inserting after section  
24 5502, as amended by subsection (a)(1), the following  
25 new section:

1     **“§ 5502A. Supervision of fiduciaries**

2         “(a) COMMISSION.—(1)(A) In a case in which the Sec-  
3     retary determines that a commission is necessary in order  
4     to obtain the services of a fiduciary in the best interests  
5     of a beneficiary, the Secretary may authorize a fiduciary  
6     appointed by the Secretary to obtain from the monthly ben-  
7     efits provided to the beneficiary a reasonable commission  
8     for fiduciary services rendered, but the commission for any  
9     month may not exceed the lesser of the following amounts:

10             “(i) The amount that equals three percent of the  
11     monthly monetary benefits under laws administered by the  
12     Secretary paid on behalf of the beneficiary to the fiduciary.

13             “(ii) \$35.

14             “(B) A commission paid under this paragraph may  
15     not be derived from any award to a beneficiary regarding  
16     back pay or retroactive benefits payments.

17             “(C) A commission may not be authorized for a fidu-  
18     ciary who receives any other form of remuneration or pay-  
19     ment in connection with rendering fiduciary services for  
20     benefits under this title on behalf of the beneficiary.

21             “(D) In accordance with section 6106 of this title, a  
22     commission may not be paid to a fiduciary if the Secretary  
23     determines that the fiduciary misused any benefit payments  
24     of a beneficiary.

1       “(E) If the Secretary determines that the fiduciary has  
2 misused any benefit or payments of a beneficiary, the Sec-  
3 retary may revoke the fiduciary status of the fiduciary.

4       “(2) Where, in the opinion of the Secretary, any fidu-  
5 ciary receiving funds on behalf of a Department beneficiary  
6 is acting in such a number of cases as to make it impracti-  
7 cable to conserve properly the estates or to supervise the per-  
8 sons of the beneficiaries, the Secretary may refuse to make  
9 future payments in such cases as the Secretary may deem  
10 proper.

11       “(b) COURT.—Whenever it appears that any fiduciary,  
12 in the opinion of the Secretary, is not properly executing  
13 or has not properly executed the duties of the trust of such  
14 fiduciary or has collected or paid, or is attempting to collect  
15 or pay, fees, commissions, or allowances that are inequitable  
16 or in excess of those allowed by law for the duties performed  
17 or expenses incurred, or has failed to make such payments  
18 as may be necessary for the benefit of the ward or the de-  
19 pendents of the ward, then the Secretary may appear, by  
20 the Secretary’s authorized attorney, in the court which has  
21 appointed such fiduciary, or in any court having original,  
22 concurrent, or appellate jurisdiction over said cause, and  
23 make proper presentation of such matters. The Secretary,  
24 in the Secretary’s discretion, may suspend payments to any  
25 such fiduciary who shall neglect or refuse, after reasonable

1 notice, to render an account to the Secretary from time to  
2 time showing the application of such payments for the ben-  
3 efit of such incompetent or minor beneficiary, or who shall  
4 neglect or refuse to administer the estate according to law.  
5 The Secretary may require the fiduciary, as part of such  
6 account, to disclose any additional financial information  
7 concerning the beneficiary (except for information that is  
8 not available to the fiduciary). The Secretary may appear  
9 or intervene by the Secretary's duly authorized attorney in  
10 any court as an interested party in any litigation insti-  
11 tuted by the Secretary or otherwise, directly affecting money  
12 paid to such fiduciary under this section.

13 "(c) PAYMENT OF CERTAIN EXPENSES.—Authority is  
14 hereby granted for the payment of any court or other ex-  
15 penses incident to any investigation or court proceeding for  
16 the appointment of any fiduciary or other person for the  
17 purpose of payment of benefits payable under laws adminis-  
18 tered by the Secretary or the removal of such fiduciary and  
19 appointment of another, and of expenses in connection with  
20 the administration of such benefits by such fiduciaries, or  
21 in connection with any other court proceeding hereby au-  
22 thorized, when such payment is authorized by the Secretary.

23 "(d) TEMPORARY PAYMENT OF BENEFITS.—All or any  
24 part of any benefits the payment of which is suspended or  
25 withheld under this section may, in the discretion of the

1   Secretary, be paid temporarily to the person having custody  
2   and control of the incompetent or minor beneficiary, to be  
3   used solely for the benefit of such beneficiary, or, in the case  
4   of an incompetent veteran, may be apportioned to the de-  
5   pendent or dependents, if any, of such veteran. Any part  
6   not so paid and any funds of a mentally incompetent or  
7   insane veteran not paid to the chief officer of the institution  
8   in which such veteran is a patient nor apportioned to the  
9   veteran's dependent or dependents may be ordered held in  
10   the Treasury to the credit of such beneficiary. All funds so  
11   held shall be disbursed under the order and in the discretion  
12   of the Secretary for the benefit of such beneficiary or the  
13   beneficiary's dependents. Any balance remaining in such  
14   fund to the credit of any beneficiary may be paid to the  
15   beneficiary if the beneficiary recovers and is found com-  
16   petent, or if a minor, attains majority, or otherwise to the  
17   beneficiary's fiduciary, or, in the event of the beneficiary's  
18   death, to the beneficiary's personal representative, except as  
19   otherwise provided by law; however, payment will not be  
20   made to the beneficiary's personal representative if, under  
21   the law of the beneficiary's last legal residence, the bene-  
22   ficiary's estate would escheat to the State. In the event of  
23   the death of a mentally incompetent or insane veteran, all  
24   gratuitous benefits under laws administered by the Sec-  
25   retary deposited before or after August 7, 1959, in the per-

1   sonal funds of patients trust fund on account of such vet-  
2   eran shall not be paid to the personal representative of such  
3   veteran, but shall be paid to the following persons living  
4   at the time of settlement, and in the order named: The sur-  
5   viving spouse, the children (without regard to age or mar-  
6   ital status) in equal parts, and the dependent parents of  
7   such veteran, in equal parts. If any balance remains, such  
8   balance shall be deposited to the credit of the applicable cur-  
9   rent appropriation; except that there may be paid only so  
10   much of such balance as may be necessary to reimburse a  
11   person (other than a political subdivision of the United  
12   States) who bore the expenses of last sickness or burial of  
13   the veteran for such expenses. No payment shall be made  
14   under the two preceding sentences of this subsection unless  
15   claim therefor is filed with the Secretary within five years  
16   after the death of the veteran, except that, if any person  
17   so entitled under said two sentences is under legal disability  
18   at the time of death of the veteran, such five-year period  
19   of limitation shall run from the termination or removal of  
20   the legal disability.

21           “(e) ESCHEATMENT.—Any funds in the hands of a fi-  
22   duciary appointed by a State court or the Secretary derived  
23   from benefits payable under laws administered by the Sec-  
24   retary, which under the law of the State wherein the bene-  
25   ficiary had last legal residence would escheat to the State,

1 shall escheat to the United States and shall be returned by  
2 such fiduciary, or by the personal representative of the de-  
3 ceased beneficiary, less legal expenses of any administration  
4 necessary to determine that an escheat is in order, to the  
5 Department, and shall be deposited to the credit of the ap-  
6 plicable revolving fund, trust fund, or appropriation.”.

7                   (2) CLERICAL AMENDMENT.—The table of sec-  
8                   tions at the beginning of chapter 55 of title 38,  
9                   United States Code, is amended by inserting after the  
10                  item relating to section 5502 the following new item:  
“5502A. Supervision of fiduciaries.”.

11               (c) DEFINITION OF FIDUCIARY.—Section 5506 of title  
12 38, United States Code is amended—

13               (1) by striking “For purposes” and inserting  
14               “(a) For purposes”; and  
15               (2) by adding at the end the following new sub-  
16               section:

17               “(b)(1) For purposes of subsection (a), the term ‘per-  
18 son’ includes any—

19               “(A) State or local government agency whose  
20               mission is to carry out income maintenance, social  
21               service, or health care-related activities;

22               “(B) any State or local government agency with  
23               fiduciary responsibilities; or

24               “(C) any nonprofit social service agency that the  
25               Secretary determines—

1               “(i) regularly provides services as a fiduciary concurrently to five or more individuals;  
2  
3               and

4               “(ii) is not a creditor of any such individual.

5  
6               “(2) The Secretary shall maintain a list of State or  
7 local agencies and nonprofit social service agencies under  
8 paragraph (1) that are qualified to act as a fiduciary under  
9 this chapter. In maintaining such list, the Secretary may  
10 consult the lists maintained under section 807(h) of the So-  
11 cial Security Act (42 U.S.C. 1007(h)).”.

12               (d) *QUALIFICATIONS.*—Section 5507 of title 38, United  
13 States Code, is amended to read as follows:

14       **“§ 5507. Inquiry, investigations, and qualification of  
15 fiduciaries**

16               “(a) *INVESTIGATION.*—Any certification of a person  
17 for payment of benefits of a beneficiary to that person as  
18 such beneficiary’s fiduciary under section 5502 of this title  
19 shall be made on the basis of—

20               “(1) an inquiry or investigation by the Secretary  
21 of the fitness of that person to serve as fiduciary for  
22 that beneficiary to be conducted in advance of such  
23 certification and in accordance with subsection (b);

24               “(2) adequate evidence that certification of that  
25 person as fiduciary for that beneficiary is in the in-

1       *terest of such beneficiary (as determined by the Sec-*  
2       *retary under regulations);*

3           “(3) adequate evidence that the person to serve as  
4       *fiduciary protects the private information of a bene-*  
5       *ficiary in accordance with subsection (d)(1); and*

6           “(4) the furnishing of any bond that may be re-  
7       *quired by the Secretary, in accordance with sub-*  
8       *section (f).*

9       “(b) ELEMENTS OF INVESTIGATION.—(1) In con-  
10      *ducting an inquiry or investigation of a proposed fiduciary*  
11      *under subsection (a)(1), the Secretary shall conduct—*

12           “(A) a face-to-face interview with the proposed  
13       *fiduciary by not later than 30 days after the date on*  
14       *which such inquiry or investigation begins; and*

15           “(B) a background check of the proposed fidu-  
16       *ciary to—*

17                  “(i) in accordance with paragraph (2), de-  
18       *termine whether the proposed fiduciary has been*  
19       *convicted of a crime; and*

20                  “(ii) determine whether the proposed fidu-  
21       *ciary will serve the best interest of the bene-*  
22       *ficiary, including by conducting a credit check of*  
23       *the proposed fiduciary and checking the records*  
24       *under paragraph (5).*

1       “(2) The Secretary shall request information con-  
2 cerning whether that person has been convicted of any of-  
3 fense under Federal or State law. If that person has been  
4 convicted of such an offense, the Secretary may certify the  
5 person as a fiduciary only if the Secretary finds that the  
6 person is an appropriate person to act as fiduciary for the  
7 beneficiary concerned under the circumstances.

8       “(3) The Secretary shall conduct the background check  
9 described in paragraph (1)(B)—

10       “(A) each time a person is proposed to be a fidu-  
11 ciary, regardless of whether the person is serving or  
12 has served as a fiduciary; and

13       “(B) at no expense to the beneficiary.

14       “(4) Each proposed fiduciary shall disclose to the Sec-  
15 retary the number of beneficiaries that the fiduciary acts  
16 on behalf of.

17       “(5) The Secretary shall maintain records of any per-  
18 son who has—

19       “(A) previously served as a fiduciary; and

20       “(B) had such fiduciary status revoked by the  
21 Secretary.

22       “(6)(A) If a fiduciary appointed by the Secretary is  
23 convicted of a crime described in subparagraph (B), the  
24 Secretary shall notify the beneficiary of such conviction by

1   not later than 14 days after the date on which the Secretary  
2   learns of such conviction.

3       “(B) A crime described in this subparagraph is a  
4   crime—

5           “(i) for which the fiduciary is convicted while  
6   serving as a fiduciary for any person;

7           “(ii) that is not included in a report submitted  
8   by the fiduciary under section 5509(a) of this title;  
9   and

10          “(iii) that the Secretary determines could affect  
11   the ability of the fiduciary to act on behalf of the ben-  
12   eficiary.

13       “(c) INVESTIGATION OF CERTAIN PERSONS.—(1) In  
14   the case of a proposed fiduciary described in paragraph (2),  
15   the Secretary, in conducting an inquiry or investigation  
16   under subsection (a)(1), may carry out such inquiry or in-  
17   vestigation on an expedited basis that may include giving  
18   priority to conducting such inquiry or investigation. Any  
19   such inquiry or investigation carried out on such an expe-  
20   dited basis shall be carried out under regulations prescribed  
21   for purposes of this section.

22          “(2) Paragraph (1) applies with respect to a proposed  
23   fiduciary who is—

24           “(A) the parent (natural, adopted, or step-  
25   parent) of a beneficiary who is a minor;

1           “(B) the spouse or parent of an incompetent  
2           beneficiary;

3           “(C) a person who has been appointed a fi-  
4           duciary of the beneficiary by a court of com-  
5           petent jurisdiction;

6           “(D) being appointed to manage an estate  
7           where the annual amount of veterans benefits to  
8           be managed by the proposed fiduciary does not  
9           exceed \$3,600, as adjusted pursuant to section  
10          5312 of this title; or

11          “(E) a person who is authorized to act on  
12          behalf of the beneficiary under a durable power  
13          of attorney.

14          “(d) *PROTECTION OF PRIVATE INFORMATION.*—(1) A  
15          fiduciary shall take all reasonable precautions to—

16          “(A) protect the private information of a bene-  
17          ficiary, including personally identifiable information;  
18          and

19          “(B) securely conducts financial transactions.

20          “(2) A fiduciary shall notify the Secretary of any ac-  
21          tion of the fiduciary that compromises or potentially com-  
22          promises the private information of a beneficiary.

23          “(e) *POTENTIAL MISUSE OF FUNDS.*—(1) If the Sec-  
24          retary has reason to believe that a fiduciary may be mis-

1   *using all or part of the benefit of a beneficiary, the Sec-*  
2   *retary shall—*

3           “(A) *conduct a thorough investigation to deter-*  
4           *mine the veracity of such belief; and*

5           “(B) *if such veracity is established, transmit to*  
6           *the officials described in paragraph (2) a report of*  
7           *such investigation.*

8           “(2) *The officials described in this paragraph are the*  
9           *following:*

10           “(A) *The Attorney General.*

11           “(B) *Each head of a Federal department or*  
12           *agency that pays to a fiduciary or other person bene-*  
13           *fits under any law administered by such department*  
14           *or agency for the use and benefit of a minor, incom-*  
15           *petent, or other beneficiary.*

16           “(f) *BOND.—In requiring the furnishing of a bond*  
17           *under subsection (a)(4), the Secretary shall—*

18           “(1) *ensure that any such bond is not paid using*  
19           *any funds of the beneficiary; and*

20           “(2) *consider—*

21           “(A) *the care a proposed fiduciary has*  
22           *taken to protect the interests of the beneficiary;*  
23           *and*

1               “(B) the capacity of the proposed fiduciary  
2               to meet the financial requirements of the bond  
3               without sustaining hardship.

4               “(g) LIST OF FIDUCIARIES.—Each regional office of  
5 the Veterans Benefits Administration shall maintain a list  
6 of the following:

7               “(1) The name and contact information of each  
8 fiduciary, including address, telephone number, and  
9 email address.

10               “(2) With respect to each fiduciary described in  
11 paragraph (1)—

12               “(A) the date of the most recent background  
13 check and credit check performed by the Sec-  
14 retary under this section;

15               “(B) the date that any bond was paid  
16 under this section;

17               “(C) the name, address, and telephone num-  
18 ber of each beneficiary the fiduciary acts on be-  
19 half of; and

20               “(D) the amount that the fiduciary controls  
21 with respect to each beneficiary described in sub-  
22 paragraph (C).”.

23               (e) ANNUAL RECEIPT OF PAYMENTS.—

24               (1) IN GENERAL.—Section 5509 of title 38,  
25 United States Code, is amended—

1                   (A) in subsection (a)—

2                   (i) by striking “may require a fidu-  
3                   ciary to file a” and inserting “, subject to  
4                   regulations prescribed pursuant to sub-  
5                   section (f), shall require a fiduciary to file  
6                   an annual”; and

7                   (ii) by adding at the end the following  
8                   new sentence: “The Secretary shall transmit  
9                   such annual report or accounting to the  
10                  beneficiary and any legal guardian of such  
11                  beneficiary.”;

12                  (B) by adding at the end the following new  
13                  subsections:

14                  “(c) *MATTERS INCLUDED.*—An annual report or ac-  
15                  counting under subsection (a) shall include the following:

16                  “(1) For each beneficiary that a fiduciary acts  
17                  on behalf of—

18                  “(A) the amount of the benefits of the bene-  
19                  ficiary accrued during the year, the amount  
20                  spent, and the amount remaining; and

21                  “(B) if the fiduciary serves the beneficiary  
22                  with respect to benefits not administered by the  
23                  Secretary, an accounting of all sources of benefits  
24                  or other income the fiduciary oversees for the  
25                  beneficiary.

1           “(2) A list of events that occurred during the  
2 year covered by the report that could affect the ability  
3 of the fiduciary to act on behalf of the beneficiary, in-  
4 cluding—

5           “(A) the fiduciary being convicted of any  
6 crime;

7           “(B) the fiduciary declaring bankruptcy;  
8 and

9           “(C) any judgments entered against the fi-  
10 duciary.

11          “(d) RANDOM AUDITS.—The Secretary shall annually  
12 conduct random audits of fiduciaries who receive a commis-  
13 sion pursuant to subsection 5502A(a)(1) of this title.

14          “(e) STATUS OF FIDUCIARY.—If a fiduciary includes  
15 in the annual report events described in subsection (c)(2),  
16 the Secretary may take appropriate action to adjust the sta-  
17 tus of the fiduciary as the Secretary determines appro-  
18 priate, including by revoking the fiduciary status of the fi-  
19 duciary.

20          “(f) REGULATIONS.—(1) In prescribing regulations to  
21 carry out this section, the Secretary, in consultation with  
22 the Under Secretary for Benefits and the Under Secretary  
23 for Health, shall ensure that the care provided by a fidu-  
24 ciary described in paragraph (2) to a beneficiary is not

1 diminished or otherwise worsened by the fiduciary com-  
2 plying with this section.

3 “(2) A fiduciary described in this paragraph is a fidu-  
4 ciary who, in addition to acting as a fiduciary for a bene-  
5 ficiary, provides care to the beneficiary pursuant to this  
6 title (including such care provided under section 1720G of  
7 this title).”; and

8 (C) by striking the section heading and in-  
9 serting the following: “**Annual reports and**  
10 **accountings of fiduciaries**”.

11 (2) CLERICAL AMENDMENT.—The table of sec-  
12 tions at the beginning of chapter 55 of title 38,  
13 United States Code, is amended by striking the item  
14 relating to section 5509 and inserting the following  
15 new item:

“5509. Annual reports and accountings of fiduciaries.”.

16 (f) REPAYMENT OF MISUSED BENEFITS.—Section  
17 6107(a)(2)(C) of title 38, United States Code, is amended  
18 by inserting before the period the following: “, including  
19 by the Secretary not acting in accordance with section 5507  
20 of this title”.

21 (g) ANNUAL REPORTS.—Section 5510 of title 38,  
22 United States Code, is amended by striking “The Secretary  
23 shall include in the Annual Benefits Report of the Veterans  
24 Benefits Administration or the Secretary’s Annual Per-  
25 formance and Accountability Report” and inserting “Not

1 later than July 1 of each year, the Secretary shall submit  
2 to the Committees on Veterans' Affairs of the House of Rep-  
3 resentatives and the Senate a separate report containing".

4 (h) REPORT.—Not later than one year after the date  
5 of the enactment of this Act, the Secretary of Veterans Af-  
6 fairs shall submit to the Committee on Veterans' Affairs of  
7 the Senate and the Committee on Veterans' of the House  
8 of Representatives a comprehensive report on the implemen-  
9 tation of the amendments made by this Act, including—

10 (1) detailed information on the establishment of  
11 new policies and procedures pursuant to such amend-  
12 ments and training provided on such policies and  
13 procedures; and

14 (2) a discussion of whether the Secretary should  
15 provide fiduciaries with standardized financial soft-  
16 ware to simplify reporting requirements.

17 **SEC. 3. ESTABLISHMENT OF PLACE OF REMEMBRANCE AT**  
18 **ARLINGTON NATIONAL CEMETERY.**

19 (a) ESTABLISHMENT AUTHORIZED.—The Secretary of  
20 the Army may establish at an appropriate location in Ar-  
21lington National Cemetery a Place of Remembrance for the  
22 interment of cremated fragments of the remains of members  
23 of the Armed Forces who died in the circumstances specified  
24 in subsection (c) when one of the conditions specified in  
25 subsection (d) applies with respect to the remains.

1       (b) *REGULATIONS; DESIGN.*—*The Secretary of the*  
2 *Army shall—*

3           (1) *prescribe such regulations as may be nec-*  
4 *essary to carry out this section; and*  
5           (2) *determine how the Place of Remembrance*  
6 *shall be designed.*

7       (c) *COVERED CIRCUMSTANCES.*—*The Secretary of the*  
8 *Army shall suggest that the Place of Remembrance be for*  
9 *the cremated fragments of remains of members of the Armed*  
10 *Forces who died—*

11           (1) *in any war or contingency operation prior*  
12 *to or after the date of the enactment of this Act; or*  
13           (2) *in the line of duty prior to or after the date*  
14 *of the enactment of this Act, consistent with regula-*  
15 *tions prescribed by the Secretary with respect to bur-*  
16 *ial at Arlington National Cemetery.*

17       (d) *REMAINS AUTHORIZED FOR INTERMENT.*—*Sub-*  
18 *section (a) applies to fragments of the remains of a deceased*  
19 *member of the Armed Forces described in such subsection*  
20 *(or fragments reasonable believed to be from the remains*  
21 *of a deceased member of the Armed Forces described in such*  
22 *subsection) that—*

23           (1) *are unidentifiable by use of DNA testing or*  
24 *other means because of the condition of the fragments;*

1                   (2) are unclaimed after a reasonable period of  
2                   time;  
3                   (3) are identified and authorized for interment  
4                   in the Place of Remembrance by the person designated  
5                   under section 1482(c) of title 10, United States Code,  
6                   to direct disposition of the remains of the member; or  
7                   (4) are designated as “No Further Pursuit” re-  
8                   mains in cases in which the family of a deceased  
9                   member has indicated to the Secretary of Army that  
10                  the family does not want to be consulted when frag-  
11                  ments of the remains of the member are found.

12 **SEC. 4. FURNISHING CASKETS AND URNS FOR DECEASED**

13                   **VETERANS WITH NO KNOWN NEXT OF KIN.**

14                  (a) *IN GENERAL.*—Section 2306 of title 38, United  
15                  States Code, is amended—

16                  (1) by redesignating subsections (f) and (g) as  
17                  subsections (g) and (h), respectively;

18                  (2) by inserting after subsection (e) the following  
19                  new subsection (f):

20                  “(f) The Secretary shall furnish a casket or urn, of  
21                  such quality as the Secretary considers appropriate for a  
22                  dignified burial, for burial in a national cemetery of a de-  
23                  ceased veteran described in section 2414(b) of this title.”;

24                  and

“(4) A casket or urn may not be furnished under subsection (f) for burial of a person described in section 2411(b) of this title.”.

(b) *EFFECTIVE DATE.*—Subsections (f) and (h)(4) of section 2306 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to deaths occurring on or after such date.

12 SEC. 5. IMPROVED COMMUNICATION BETWEEN DEPART-  
13 MENT OF VETERANS AFFAIRS AND MEDICAL  
14 EXAMINERS AND FUNERAL DIRECTORS.

15       (a) *IN GENERAL.—Chapter 24 of title 38, United  
16 States Code, is amended by adding at the end the following  
17 new section:*

18       “§2414. Communication between Department of Vet-  
19                  erans Affairs and medical examiners and  
20                  funeral directors

“(a) REQUIRED INFORMATION.—With respect to each deceased veteran described in subsection (b) who is transported to a national cemetery for burial, the Secretary shall ensure that the local medical examiner, funeral director, county service group, or other entity responsible for the body

1 of the deceased veteran before such transportation submits  
2 to the Secretary the following information:

3 "(1) Whether the deceased veteran was cremated.

4 "(2) The steps taken to ensure that the deceased  
5 veteran has no next of kin.

6 "(b) DECEASED VETERAN DESCRIBED.—A deceased  
7 veteran described in this subsection is a deceased veteran  
8 whom the Secretary determines—

9 "(1) that there is no next of kin or other person  
10 claiming the body of the deceased veteran; and

11 "(2) does not have sufficient resources to cover  
12 burial and funeral expenses.

13 "(c) DETERMINATION OF SUFFICIENT RESOURCES.—  
14 If the Secretary is unable to make a reasonable determina-  
15 tion of the amount of the resources of a deceased veteran  
16 under subsection (b)(2), the Secretary shall deem such re-  
17 sources to be an amount that is not sufficient to cover burial  
18 and funeral expenses.”.

19 (b) CLERICAL AMENDMENT.—The table of sections at  
20 the beginning of such chapter is amended by inserting after  
21 the item relating to section 2413 the following new item:

“2414. Communication between Department of Veterans Affairs and medical ex-  
aminers and funeral directors.”.

22 (c) EFFECTIVE DATE.—Section 2414 of title 38,  
23 United States Code, as added by subsection (a), shall take  
24 effect on the date of the enactment of this Act and shall

1 apply with respect to deaths occurring on or after the date  
2 that is 180 days after the date of the enactment of this Act.

3 **SEC. 6. REPORT ON COMPLIANCE OF DEPARTMENT OF VET-  
4 ERANS AFFAIRS WITH INDUSTRY STANDARDS  
5 FOR CASKETS AND URNS.**

6 (a) *IN GENERAL.*—Not later than 180 days after the  
7 date of the enactment of this Act, the Secretary of Veterans  
8 Affairs shall submit to the Committee on Veterans' Affairs  
9 of the Senate and the Committee on Veterans' Affairs of  
10 the House of Representatives a report on the compliance  
11 of the Department of Veterans Affairs with industry stand-  
12 ards for caskets and urns.

13 (b) *ELEMENTS.*—The report required by subsection (a)  
14 shall include the following:

15 (1) A description of industry standards for cas-  
16 kets and urns.

17 (2) An assessment of compliance with such  
18 standards at National Cemeteries administered by the  
19 Department with respect to caskets and urns used for  
20 the interment of those eligible for burial at such ceme-  
21 teries.

1   **SEC. 7. EXCLUSION OF PERSONS CONVICTED OF COMMIT-**  
2                 **TING CERTAIN SEX OFFENSES FROM INTER-**  
3                 **MENT OR MEMORIALIZATION IN NATIONAL**  
4                 **CEMETERIES, ARLINGTON NATIONAL CEME-**  
5                 **TERY, AND CERTAIN STATE VETERANS' CEME-**  
6                 **TERIES AND FROM RECEIVING CERTAIN FU-**  
7                 **NERAL HONORS.**

8         (a) *PROHIBITION AGAINST.*—Section 2411(b) of title  
9     38, *United States Code*, is amended by adding at the end  
10   *the following new paragraph:*

11         “(4) *A person—*

12                 “(A) *who has been convicted of a Federal or*  
13                 *State crime causing the person to be a tier III*  
14                 *sex offender for purposes of the Sex Offender Reg-*  
15                 *istration and Notification Act (42 U.S.C. 16901*  
16                 *et seq.).*;

17                 “(B) *who, for such crime, is sentenced to a*  
18                 *minimum of life imprisonment; and*

19                 “(C) *whose conviction is final (other than a*  
20                 *person whose sentence was commuted by the*  
21                 *President or Governor of a State, as the case*  
22                 *may be).*.”.

23         (b) *CONFORMING AMENDMENTS.*—Section 2411(a)(2)  
24   *of such title is amended—*

25                 (1) *by striking “or (b)(2)” each place it appears*  
26                 *and inserting “, (b)(2), or (b)(4)”;* and

1                   (2) by striking “capital” each place it appears.

2                   (c) **EFFECTIVE DATE.**—The amendments made by this  
3 section shall apply with respect to interments and memorials  
4 that occur on or after the date of the enactment  
5 of this Act.

6                   **SEC. 8. VETERANS FREEDOM OF CONSCIENCE PROTECTION.**

7                   Section 2404 of title 38, United States Code, is amended  
8 by adding at the end the following new subsection:

9                   “(h)(1) With respect to the interment or funeral, memorial service, or ceremony of a deceased individual at a national cemetery, the Secretary shall ensure that—

10                  “(A) the expressed wishes of the next of kin or other agent of the deceased individual are respected and given appropriate deference when evaluating whether the proposed interment or funeral, memorial service, or ceremony affects the safety and security of the national cemetery and visitors to the cemetery;

11                  “(B) to the extent possible, all appropriate public areas of the cemetery, including committal shelters, chapels, and benches, may be used by the family of the deceased individual for contemplation, prayer, mourning, or reflection; and

12                  “(C) during such interment or funeral, memorial service, or ceremony, the family of the deceased indi-

1       *vidual may display any religious or other symbols*  
2       *chosen by the family.*

3       “(2) Subject to regulations prescribed by the Secretary  
4 under paragraph (5), including such regulations ensuring  
5 the security of a national cemetery, the Secretary shall pro-  
6 vide to any military or volunteer veterans honor guard, in-  
7 cluding such guards belonging to a veterans service organi-  
8 zation or other non-governmental group that provides serv-  
9 ices to veterans, access to public areas of a national ceme-  
10 tery if such access is requested by the next of kin or other  
11 agent of a deceased individual whose interment or funeral,  
12 memorial service, or ceremony is being held in such ceme-  
13 tery.

14       “(3) With respect to the interment or funeral, memo-  
15 rial service, or ceremony of a deceased individual at a na-  
16 tional cemetery, the Secretary shall notify the next of kin  
17 or other agent of the deceased individual of funeral honors  
18 available to the deceased veteran, including such honors  
19 provided by any military or volunteer veterans honor guard  
20 described in paragraph (2).

21       “(4) Any person aggrieved by a violation of this sub-  
22 section or any regulation prescribed pursuant to this sub-  
23 section may in a civil action in an appropriate Federal  
24 court obtain any appropriate relief against the Federal  
25 Government with respect to the violation. Standing to assert

1   *a claim or defense under this subsection shall be governed*  
2   *by the general rules of standing under Article III of the*  
3   *Constitution.*

4         “(5) *The Secretary shall prescribe regulations to carry*  
5   *out this subsection.”.*

6   **SEC. 9. AUTHORITY FOR THE PERFORMANCE OF MEDICAL**  
7                   **DISABILITY EXAMINATIONS BY CONTRACT**  
8                   **PHYSICIANS.**

9         *Section 704(c) of the Veterans Benefits Act of 2003 (38*  
10   *U.S.C. 5101 note) is amended by striking “December 31,*  
11   *2012” and inserting “December 31, 2017”.*

12   **SEC. 10. PROVISION OF ACCESS TO CASE-TRACKING INFOR-**  
13                   **MATION.**

14         (a) *IN GENERAL.—Chapter 59 of title 38, United*  
15   *States Code, is amended by adding at the end the following:*  
16   **“§ 5906. Provision of access to case-tracking informa-**  
17                   **tion**

18         “(a) *IN GENERAL.—(1) In accordance with subsection*  
19   *(b), the Secretary shall provide a covered employee with ac-*  
20   *cess to the case-tracking system to provide a veteran with*  
21   *information regarding the status of a claim submitted by*  
22   *such veteran, regardless of whether such employee is acting*  
23   *under a power of attorney executed by such veteran.*

1       “(2) In providing a covered employee with access to  
2 the case-tracking system under paragraph (1), the Secretary  
3 shall ensure—

4           “(A) that such access—

5              “(i) is provided in a manner that does not  
6 allow such employee to modify the data con-  
7 tained in such system; and

8              “(ii) does not include access to medical  
9 records; and

10          “(B) that each time a covered employee accesses  
11 such system, the employee must certify that such ac-  
12 cess is for official purposes only.

13          “(b) *PRIVACY CERTIFICATION COURSE*.—The Sec-  
14 retary may not provide a covered employee with access to  
15 the case-tracking system under subsection (a)(1) unless the  
16 covered employee has successfully completed a certification  
17 course on privacy issues provided by the Secretary.

18          “(c) *TREATMENT OF DISCLOSURE*.—The access to in-  
19 formation by a covered employee pursuant to subsection  
20 (a)(1) shall be deemed to be—

21            “(1) a covered disclosure under section 552a(b)  
22 of title 5; and

23            “(2) a permitted disclosure under regulations  
24 promulgated under section 264(c) of the Health Insur-

1       *ance Portability and Accountability Act of 1996 (42*  
2       *U.S.C. 1320d-2 note).*

3       “(d) *DEFINITIONS.*—*In this section:*

4           “(1) *The term ‘case-tracking system’ means the*  
5       *system of the Department of Veterans Affairs that*  
6       *provides information regarding the status of a claim*  
7       *submitted by a veteran.*

8           “(2) *The term ‘covered employee’ means—*

9              “(A) *an employee of a Member of Congress*  
10       *who assists the constituents of the Member with*  
11       *issues regarding departments or agencies of the*  
12       *Federal Government; or*

13              “(B) *an employee of a State or local govern-*  
14       *mental agency (including a veterans service offi-*  
15       *cer) who, in the course of carrying out the re-*  
16       *sponsibilities of such employment, assists vet-*  
17       *erans with claims for any benefit under the laws*  
18       *administered by the Secretary.”.*

19       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
20       *the beginning of such chapter is amended by adding at the*  
21       *end the following new item:*

“5906. *Provision of access to case-tracking information.”.*

1   **SEC. 11. NOTIFICATION BY THE SECRETARY OF VETERANS**2                 **AFFAIRS OF INDIVIDUALS WHOSE SENSITIVE**  
3                 **PERSONAL INFORMATION IS INVOLVED IN A**  
4                 **DATA BREACH.**

5         (a) *IN GENERAL.*—Subchapter III of chapter 57 of  
6 title 38, United States Code is amended by inserting after  
7 section 5724 the following new section:

8   **“§ 5724A. Data breach notification**

9                 “(a) *NOTIFICATION REQUIREMENT.*—Except as pro-  
10 vided in subsection (d), in the event of a data breach with  
11 respect to sensitive personal information that is processed  
12 or maintained by the Secretary, by not later than 10 busi-  
13 ness days after the date on which the Secretary learns of  
14 the data breach, the Secretary shall notify the appropriate  
15 committees of Congress and each individual whose sensitive  
16 personal information is involved in the data breach is noti-  
17 fied of the data breach. If the Secretary determines that pro-  
18 viding such notification within 10 business days is not fea-  
19 sible due to circumstances necessary to accurately identify  
20 the individuals whose sensitive personal information is in-  
21 volved in the data breach or to prevent further breach or  
22 unauthorized disclosure and reasonably restore the integrity  
23 of the data system the Secretary shall provide such notifica-  
24 tion not later than 15 business days after the date on which  
25 the Secretary learns of the data breach.

1       “(b) CONTRACTS FOR DATA PROCESSING OR MAINTENANCE.—If the Secretary enters into a contract for the performance of any Department function that requires access  
2       to sensitive personal information, the Secretary shall require as a condition of the contract that the contractor agree  
3       to provide notification of data breaches in the same manner  
4       as required of the Secretary under subsection (a).

5       “(c) METHOD AND CONTENT OF NOTIFICATION.—(1)  
6       Notification provided to an individual under subsection (a)  
7       shall be provided clearly and conspicuously by one of the  
8       following methods:

9           “(A) Written notification.

10          “(B) Notification by email or other electronic means, if the Secretary’s primary method of communication with the individual is by email or such other electronic means.

11          “(2) Regardless of the method by which notification is provided to an individual under paragraph (1), such notification shall include—

12           “(A) a description of the sensitive personal information involved in the data breach;

13           “(B) a telephone number that the individual may use, at no cost to the individual, to contact an appropriate employee of the Department to inquire

1       *about the data breach or the individual's sensitive  
2       personal information maintained by the Department;*

3           *"(C) notice that the individual is entitled to re-  
4       ceive, at no cost to such individual, credit protection  
5       services under section 5724 of this title;*

6           *"(D) the toll-free contact telephone numbers and  
7       addresses for the major credit reporting agencies; and*

8           *"(E) a toll-free telephone number and website  
9       address whereby the individual may obtain informa-  
10      tion regarding identity theft.*

11          *"(d) NOTIFICATION OF GENERAL PUBLIC.—The Sec-  
12      retary, acting through the Office of Public Affairs of the  
13      Department, shall notify the general public concerning any  
14      data breach involving sensitive personal information by not  
15      later than 10 business days after the date on which the Sec-  
16      retary learns of the data breach, unless the Secretary deter-  
17      mines that to do so is not feasible due to circumstances nec-  
18      essary to accurately identify the individuals whose sensitive  
19      personal information is involved in the data breach or to  
20      prevent further breach or unauthorized disclosure and rea-  
21      sonably restore the integrity of the data system, such notifi-  
22      cation shall be made as soon as possible.*

23          *"(e) APPROPRIATE COMMITTEES OF CONGRESS.—In  
24      this section, the term 'appropriate committees of Congress'  
25      means the Committee on Veterans Affairs' of the House of*

*1 Representatives and the Committee on Veterans' Affairs of  
2 the Senate.”.*

3       (b) CLERICAL AMENDMENT.—The table of sections at  
4 the beginning of such chapter is amended by inserting after  
5 the item relating to section 5724 the following new item:  
  
“5724A. Data breach notification.”.

6       (c) EFFECTIVE DATE.—The amendments made by this  
7 section shall apply with respect to a data breach occurring  
8 on or after the date that is 90 days after the date of the  
9 enactment of this Act.

10 SEC. 12. LIMITATION ON BONUSES FOR DEPARTMENT OF  
11 VETERANS AFFAIRS EMPLOYEES WHO VIO-  
12 LATE FEDERAL CIVIL LAWS OR REGULA-  
13 TIONS.

14           (a) IN GENERAL.—Chapter 7 of title 38, United States  
15 Code, is amended by adding at the end the following new  
16 section:

## 17 “§ 713. Limitation on bonuses

18       “(a) *IN GENERAL.*—(1) *The Secretary shall ensure*  
19 *that no employee of the Department who, during any year,*  
20 *knowingly violates any law, regulation, or policy described*  
21 *in paragraph (2) receives a bonus for or during that year.*

22       “(2) A law, regulation, or policy described in this  
23 paragraph is any of the following:

24               “(A) A Federal civil law or Federal regulation,  
25               including such civil laws or regulations covered under

1       *the Federal Acquisition Regulation and the Veterans*  
2       *Affairs Acquisition Regulation.*

### **3                  “(B) An internal policy of the Department.**

4       “(b) CERTIFICATION.—The Secretary shall annually  
5 certify to Congress that each bonus awarded by the Sec-  
6 retary during the previous year was awarded in accordance  
7 with subsection (a)(1).

8        “(c) *BONUS DEFINED*.—For purposes of this section,  
9 the term ‘bonus’ includes—

10                   “(1) a retention incentive;

11                   “(2) a retention incentive payment;

12                   “(3) a retention incentive award; and

13               “(4) any other incentive requiring approval from  
14               the Central Office Human Resource Service, the Chief  
15               Business Office Workforce Management, or the Cor-  
16               porate Senior Executive Management Office.”.

17       (b) CLERICAL AMENDMENT.—*The table of sections at*  
18 *the beginning of such chapter is amended by adding at the*  
19 *end the following new item:*

**“713. Limitation on bonuses.”**

20 SEC. 13. LIMITATION ON AWARDS AND BONUSES TO EM-  
21 PLOYEES OF THE DEPARTMENT OF VET-  
22 ERANS AFFAIRS.

23       *For each of fiscal years 2013 through 2017, the Sec-*  
24 *retary of Veterans Affairs may not pay more than*  
25 *\$357,613,229 in awards or bonuses under chapter 45 or 53*

1   *of title 5, United States Code, or any other awards or bo-*  
2   *nuses authorized under such title.*

3   **SEC. 14. SENSE OF CONGRESS ON PATRIOT GUARD RIDERS.**

4       (a) *FINDINGS.—Congress finds the following:*

5           (1) *The Patriot Guard Riders were founded in*  
6           *2005 in Mulvane, Kansas, with a mission to show*  
7           *sincere respect for fallen members of the Armed Forces*  
8           *by attending their funeral services as invited guests of*  
9           *the member's family.*

10          (2) *The Patriot Guard Riders have more than*  
11          *220,000 members nationwide from all walks of life.*

12          (3) *The Patriot Guard Riders shield the mourn-*  
13          *ing family and friends from interruptions created by*  
14          *any protestor or group of protestors.*

15          (4) *The Patriot Guard Riders engage only in re-*  
16          *spectful acts in honor of a fallen member of the*  
17          *Armed Forces.*

18          (5) *The members of the Patriot Guard Riders*  
19          *willingly give their time, energy, and money to re-*  
20          *spect the memory of fallen members of the Armed*  
21          *Forces.*

22          (6) *The men and women of the Armed Forces*  
23          *who fight to preserve freedom deserve the utmost re-*  
24          *spect and support of the American people.*

1                   (7) *The Patriot Guard Riders provide a unique  
2 service that honors fallen members of the Armed  
3 Forces and their families.*

4                   (b) *SENSE OF CONGRESS.—Congress—*

5                   (1) *commends the Patriot Guard Riders and all  
6 of the other volunteers involved in shielding the  
7 mourning family and friends of a fallen member of  
8 the Armed Forces from interruptions created by any  
9 protestor or group of protestors; and*

10                  (2) *recognizes the sacrifices that veterans, mem-  
11 bers of the Armed Forces, and their families have  
12 made, and continue to make, on behalf of the United  
13 States.*

14 **SEC. 15. SENSE OF CONGRESS HONORING KOREAN WAR**

15                  **VETERANS.**

16                  (a) *FINDINGS.—Congress finds the following:*

17                  (1) *On June 25, 1950, Communist North Korea  
18 invaded the Republic of Korea with approximately  
19 135,000 troops to initiate the Korean War.*

20                  (2) *Nearly 1,800,000 members of the Armed  
21 Forces of the United States served along with the  
22 forces of the Republic of Korea and 20 other Allied  
23 nations under the United Nations Command to de-  
24 fend freedom and democracy in the Korean Penin-  
25 sula.*

1                   (3) *The United States suffered 36,574 dead and  
2 103,284 wounded during the Korean War in some of  
3 the most horrific conditions in the history of warfare.*

4                   (4) *Almost 60 years have passed since the sign-  
5 ing of the cease-fire agreement at Panmunjom on  
6 July 27, 1953, and the Korean peninsula still tech-  
7 nically remains in a state of war.*

8                   (5) *The Korean War has become a “Forgotten  
9 War” for many Americans.*

10                  (6) *Many of the members of the Armed Forces  
11 who fought in the Korean War returned home without  
12 the fanfare that greeted the heroes of World Wars I  
13 and II.*

14                  (7) *Korean War veterans deserve to be recognized  
15 by all Americans for their honorable service during  
16 the Korean War in defense of democracy and freedom.*

17                  (8) *The tide of communism on the Korean Pe-  
18 ninsula was halted, liberty triumphed over tyranny,  
19 and the Republic of Korea has developed into a mod-  
20 ern and prosperous democracy because of the selfless  
21 sacrifice of the Korean War veterans.*

22                  (9) *The people of the United States and the Re-  
23 public of Korea are eternally grateful to the Korean  
24 War veterans.*

1                   (10) *It is important to include the history of the  
2 Korean War in the curricula of American schools so  
3 that future generations never forget the sacrifices of  
4 the Korean War veterans.*

5                   (11) *The Department of Defense 60th Anniver-  
6 sary of the Korean War Commemoration Committee  
7 will implement a national campaign to honor the Ko-  
8 rean War veterans, remember those Korean War vet-  
9 erans still counted among the missing in action, and  
10 educate the American people concerning the ongoing  
11 relevance of the Korean War.*

12                  (12) *The commemorative campaign will include  
13 ceremonies in the United States and the Republic of  
14 Korea in recognition of June 25, 1950, and July 27,  
15 1953, and a national media and outreach campaign  
16 for Veterans Day 2012 to honor the Korean War vet-  
17 erans.*

18                  (b) *SENSE OF CONGRESS.—On the occasion of the 60th  
19 anniversary of the Korean War, Congress recognizes the im-  
20 portance of the contributions and sacrifices made by vet-  
21 erans of the Korean War.*

**Union Calendar No. 490**

112<sup>TH</sup> CONGRESS  
2D SESSION

**H. R. 5948**

[Report No. 112-678]

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**A BILL**

To amend title 38, United States Code, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

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SEPTEMBER 19, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed